

AMENDMENT(S) TO THE DRAWINGS

Please amend Fig. 4 as indicated in red on the attached Annotated Sheet. A Replacement Sheet presenting replacement figures which incorporate the desired changes is also enclosed in the Submitted Drawings section of this amendment.

Fig. 4 has been amended to show the horizontal axis 70 which is perpendicular to the plane of the page of Fig. 4.

REMARKS

Claims 1, 3-20 are pending in this application, claims 10-17 having been withdrawn.

Claims 1, 3-9, and 18-20 are rejected. Claims 1, 6, and 18 are amended; and claims 21-23 are added hereby.

Responsive to the rejection of claims 1, 5-6, and 18-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,740,906 (Lai), of claims 1 and 18-20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,111,939 (Schafer), and of claims 8-9 under 35 U.S.C. § 103(a) as being obvious over Schafer in view of U.S. Patent No. 5,518,139 (Trower et al.), Applicants have amended claims 1, 6, and 18 and respectfully traverse the rejection of claims 1, 8, and 18 relative to Schafer. Accordingly, Applicants submit that claims 1, 8, and 18, and claims 5-6, 8-9, and 18-20 depending respectively therefrom, are now in condition for allowance.

Lai discloses a container combination for stationary goods. This container combination includes a central container assembly 2 and a lateral container assembly 1 mounted on a common base plate 50. Lateral container assembly 1 includes a top container 13, a bottom container 132, and a middle container (apparently unnumbered). Top container 13 may have an enclosure lid 10.

Schafer discloses a stacked structure including a plurality of identical box-like units 10 including rear wall means 18, a flat floor 22, a roof 25, and a front wall means or planar face 26. Units 10 are arranged one atop the other such that each unit presents a front face 26 angled to the vertical in such fashion that front face 26 of each unit forms a dihedral angle with its next lower and next upper unit. That is, the roof and floor of each unit diverge rearwardly and are, thus, nonparallel. The slope of the roof of each unit provides a non-horizontal support for the next higher or second unit, wherein that second unit may be said to have a slight forward “tilt” such that its front face 26 is not coplanar with the front face 26 of the base unit. Nor is the front face 26 of the third unit coplanar with the front face 26 of the second unit (Abstract; column 2, lines

39-50). Front face 26 of the base slopes rearwardly away from a vertical 40 forming an angle D. Front face 26 of the second unit slopes away from a vertical 42 at an angle E. Front face 26 of the third unit slopes away from a vertical 44 by an angle F (Fig. 5). Angle F is less than angle E, and angle E is less than angle D (column 2, lines 61-64). For each unit, the junction of the front face and the floor forms an angle B which is less than ninety degrees, while the junction of the front face and the roof forms an angle C which is greater than ninety degrees (column 2, lines 67-68). Furthermore, each unit is fixedly adhered floor-to-roof to its neighbor, except as to the floor of the lowermost unit which may be adhered or otherwise affixed to a supporting surface (column 1, lines 48-51).

Trower et al. discloses a portable storage assembly. The storage assembly includes a bottom tub container 20, a series of at least two trays 22 (bottom tray) and 24 (top tray) which nest one within the other and which collectively nest in the tub container 20, and a cover 26 (Figs. 1 and 3). Bottom tray 22 is held in container 20 by cooperative engagement of peripheral rib 60 of bottom tray 22 and flange 54 defined around the periphery of container 20 (column 3, lines 12-21)(Fig. 8). Similarly, top tray 24 is held in bottom tray 22 by cooperative engagement of circumferential rib 60 of top tray 24 and peripheral rib 60 of bottom tray 22 (column 3, lines 47-57)(Fig. 8).

In contrast, claim 1, as amended, recites in part “said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position” and “said first and said second sterilization cases being substantially identical to one another when each of said first and said second sterilization cases are in said closed position.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Lai and Schafer, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 6 recites in part “said lid is removable and rotates about a generally horizontal axis.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Lai, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 8 recites in part “said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer and Trower et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 18, as amended, recites in part “said top wall and said bottom wall of each of said first and said second sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position” and “said first and said second sterilization cases being substantially identical to one another when each of said first and said second sterilization cases are in said closed position.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Lai and Schafer, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Page 2 of the Office Action indicates that the first sterilization case of the present invention corresponds in Lai to bottom and middle containers together (the middle container being on top of the bottom container) and that the second sterilization case of the present invention corresponds in Lai to top container 13 and lid 10 which is on top of the top container. However, top container 13 is not substantially identical to the bottom/middle containers when lid 10 is on top container 13 and middle container is on bottom container 132. Lai, thus, fails to disclose first and second sterilization cases being substantially identical to one another in the

closed position. Furthermore, Lai does not disclose a sterilization case at all. Lai indicates that the container combination is for storing stationary goods involved in “daily office work” (i.e., writing instruments, scissors, paper clips, staples)(column 1, 13-15).

The stacked array in Shafer is supposed to “present a striking appearance” and to tilt (column 1, lines 26, 35). The tilt occurs, at least in part, by providing each unit with a floor and a roof which diverge rearwardly (that is, they are non-parallel), the roof being non-horizontal (column 2, 39-47). Shafer, thus, teaches away from offsetting the units by using top and bottom walls which are parallel to one another and a top wall that is horizontally oriented. Indeed, if Shafer used such structure, the function in Shafer would be destroyed in that the stacked array would not maintain a tilt. Furthermore, Shafer does not disclose a sterilization case at all. Shafer discloses “a structure for the display and dispensing of fame and like tickets” (column 1, lines 8-9).

Trower et al. discloses tray 22 nested within tub container 20. Trower et al., however, fails to disclose tray 22 having a bottom wall at least partially directly contacting a top wall of tub container 20 in the closed position and the bottom wall of tray 22 and the top wall of tub container 20 being substantially parallel relative to one another and generally horizontally oriented in the closed position.

Additionally, relative to claim 6, lid 10 and the middle container both rotate about a vertical axis. Lai, thus, fails to disclose a lid which rotates about a horizontal axis.

An advantage of the present invention is simplicity and ease of access to instruments contained within the cases when the cases are stacked.

For the foregoing reasons, Applicants submit that claims 1, 8, and 18, and claims 5-6, 8-9, and 18-20 depending respectively therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shafer in view of U.S. Patent No. 5,680,957 (Liu). However, claim 3 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicant submits that claim 3 is also now in condition for allowance, which is hereby respectfully requested.

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shafer in view of Liu and further in view of U.S. Patent No. 5,078,460 (Holsinger). However, claims 4-5 depend from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicant submits that claims 4-5 are also now in condition for allowance, which is hereby respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shafer in view of Liu and Holsinger and further in view of Trower et al. However, claim 7 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicant submits that claim 7 is also now in condition for allowance, which is hereby respectfully requested.

Claims 21-23 have been added to further protect the patentable subject matter of the present invention. Claim 21 recites in part “said plurality of walls of each of said plurality of sterilization cases includes a generally vertically oriented rear wall coupled with said top and bottom walls, said top wall including at least one partially spherical top registration element, said bottom wall including at least one partially spherical bottom registration element, said top registration element being closer to said rear wall than said bottom registration element when each of said first and said second sterilization cases are in said closed position, said bottom registration element of said second sterilization case directly contacting said top registration element of said first sterilization case.” None of the prior art references, alone or in combination, disclose or

suggest this patentable feature. Claim 22 recites in part “said plurality of walls of each of said plurality of sterilization cases includes a generally vertically oriented rear wall coupled with said top and bottom walls, said top wall including at least one partially spherical top registration element, said bottom wall including at least one partially spherical bottom registration element, said top registration element being closer to said rear wall than said bottom registration element when each of said first and said second sterilization cases are in said closed position, said bottom registration element of said second sterilization case directly contacting said top registration element of said first sterilization case.” None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 23 recites in part “said plurality of walls of each of said plurality of sterilization cases includes a generally vertically oriented rear wall coupled with said top and bottom walls, said top wall including at least one partially spherical top registration element, said bottom wall including at least one partially spherical bottom registration element, said top registration element being closer to said rear wall than said bottom registration element when each of said first and said second sterilization cases are in said closed position, said bottom registration element of said second sterilization case directly contacting said top registration element of said first sterilization case.” None of the prior art references, alone or in combination, disclose or suggest this patentable feature.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally

petition therefor and authorize that any charges be made to Deposit Account No. 20-0095,  
TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to  
telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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SUBMITTED DRAWINGS

Drawings that are being submitted include a Replacement Sheet and an Annotated Sheet, as indicated on the pages that follow.

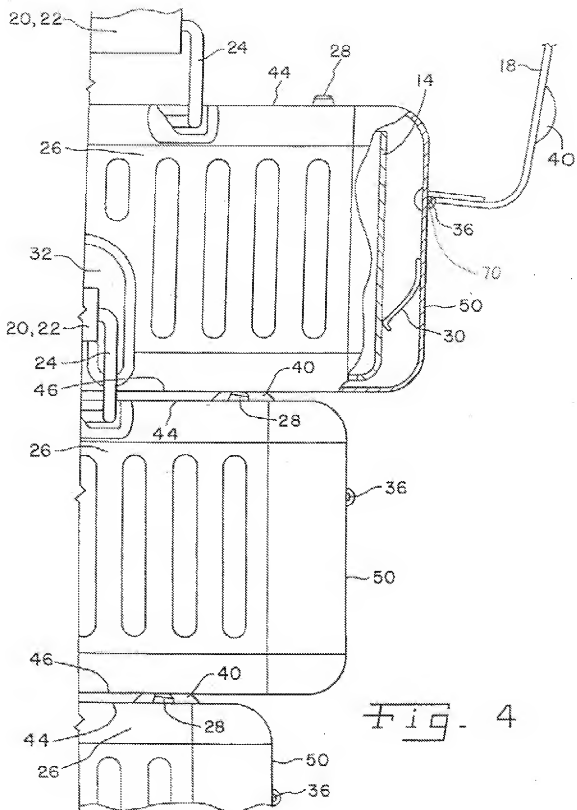


Fig. 4